

U.S. Department of Justice



Federal Bureau of Investigation

In Reply, Please Refer to
File No.

550 Main Street, Room 9000
Cincinnati, Ohio 45202
November 3, 1998

[Redacted]
Duke University
407 North Building
Durham, NC 27706

RE: Notice to Preserve Evidence Under
Title 18, U.S.C., 2703(f)

Dear [Redacted]

This letter is to follow up our telephone conversation on October 29, 1998. As I stated at that time, I am a Special Agent for the Federal Bureau of Investigation (FBI), a duly authorized federal law enforcement officer empowered to investigate unauthorized access into private, state, local and federal computer systems. As previously discussed, during the following date(s): September 22 and 24, 1998, an unknown individual illegally entered a state owned academic institutional computer system at sumac.occ.uc.edu, [Redacted]. According to our investigation, this communication originated or passed through your system, bme-www.egr.duke.edu, [Redacted].

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This letter serves to inform you that I will be pursuing the issuance of a subpoena and/or court order under Title 18, U.S.C., 2703(d), respectively, to trace the unknown individual back from your system. Inasmuch that this process can be time consuming, I have requested, pursuant to Title 18, U.S.C., 2703(f), that you take appropriate measures to preserve transactional logs, contents of any relevant communications, back-up files, and any other evidence that pertains to the aforementioned connections.

For ease of reference, Title 18, U.S.C., 2703(f), provides:

(f) Requirement to preserve evidence.

(1) In general.- A provider of a wire or electronic communication service or a remote computing service, upon the request of a government entity, shall take all necessary

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steps to preserve records and other evidence in its possession pending the issuance of a court order or other process.

(2) Period of retention.- Records referred to in paragraph (1) shall be retained for a period of 90 days, which shall be extended for an additional 90 day period upon a renewal request by the governmental entity.

Finally, although you have been most cooperative, we have in other situations, experienced some informational leaks. While such leaks may represent misplaced good intentions, they can have serious impact upon our investigation. Accordingly, we would respectfully request that your personnel be placed on notice that they are subject to criminal liability should they disclose any privileged information. The governing statute in this regard is Title 18, U.S.C., 2232(b), which provides:

(b) Notice of Search.- Whoever, having knowledge that any person authorized to make searches and seizures has been authorized or is otherwise likely to make a search or seizure, in order to prevent the authorized seizing or securing of any person, goods, wares, merchandise, or other property, gives notice or attempts to give notice of the possible search and seizure to any person, shall be fined under this title or imprisoned not more than five years, or both.

Again, I greatly appreciate your cooperation in this matter with our agency. If you have any questions or comments, please feel free to call SA [redacted] at [redacted]

Sincerely yours,

Sheri A. Farrar
Special Agent in Charge

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By:

[redacted]
Supervisory Special Agent